

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1-3 are pending in the present application. Claims 1 and 2 have been amended. Support for amended claims 1 and 2 may be found generally throughout the specification and in the original claims.

In the outstanding Official Action, claims 1-3 were rejected under 35 USC §103(a) as allegedly being unpatentable over HANSENNE et al. 5,547,658 and further in view of ARESCHKA et al. This rejection is respectfully traversed.

In imposing the rejection, the Official Action alleged that HANSENNE et al. ('658) and ARESCHKA et al. (1974) teach compounds that are analogous to the claimed compounds. The Official Action stated that the difference between the claimed compounds and that of the cited references lies in the selection of different variables such as R⁵ and R⁶ in the core indole ring of formula (II), wherein R⁵ and R⁶ are not hydrogen at the same time but may each independently represent a hydrogen or an alkyl in the presently claimed compound instead of hydrogen for both positions in the publications.

However, applicants believe that there are additional differences. Applicants would also like to note that the claimed compounds of formula (II) are useful as intermediates for the

preparation of compounds of formula (I). The compounds of formula (I) may be used in the treatment of diabetes, obesity and other disorders. As to the claimed compounds, the compounds are further distinguishable from HANSENNE et al. ('658) in that they possess an aminoethyl (O, NR⁷, S, CH₂ or-) group on the benzene ring whereas the R⁶ substituent group in HANSENNE et al. ('658) is H, OH, alkoxy, amino, acyloxy, acylamino, trimethylsilyloxy or hydroxyalkylamino. ARESCHKA et al. (1974) disclose benzofuran compounds. Moreover, the claimed compounds are directed to indole compounds wherein X=NH.

As a result, applicants believe that the compounds of the present invention are structurally unobvious. While the Official Action alleges that the claimed compounds are so closely related structurally to the homologous compounds of the cited reference to be structurally obvious in the absence of unexpected results, the bicyclic compounds of formula (II) are useful as intermediates for the preparation of the compounds of formula (I). The compounds of formula (I) are useful for treating diseases such as diabetes, obesity, etc. This is an unexpected and unobvious property of the claimed invention. The compounds of the prior art are used as cosmetic compositions and as potential antihypertensives (ARESCHKA et al. (1974)). Thus, the compounds of the present application do not exhibit properties similar to those of the cited compounds.

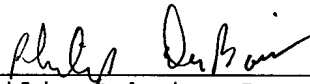
Thus, in view of the above, applicants believe that the proposed combination of HANSENNE et al. in view of ARESCHKA et al. fails to render obvious the claimed invention.

In view of the present amendment and the foregoing remarks, therefore, applicants believe that the present application is now in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Philip Dubois, Reg. No. 50,696
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573

PD/lrs